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PATENT APPLICATION
Attorney Docket: 722-72

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wu, Chia-Shan **EXAMINER:** Patterson, Marie D.

SERIAL NO: 10/774,858 **ART UNIT:** 3728

FILED: February 9, 2004 **DATED:** December 5, 2005

FOR: **WATERPROOF FOOTWEAR CONSTRUCTION**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ELECTION AND TRAVERSE IN
RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This response is provided in complete and timely response to the Examiner's communication dated November 3, 2005, which alleges that separate and distinct inventions are recited in Claims 1-3, 5, 7-15 and 21-23 (Group I) and Claims 16-20 (Group II).

Election

Applicant elects, without prejudice and with traverse, examination of the claims of Group I.

Traverse

The restriction of Group I from Group II is respectfully traversed because the subject matter of the pending claims in both Group I and Group II is believed not to be limited to either footwear or a method for constructing footwear. Rather, it is believed that the allegation that Groups I and II have acquired a separate status in the art is not a sufficient basis for requiring the applicant to elect between the pending claims. Specifically, if a

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2004.

Dated: December 5, 2005

Valerie J. Senatore

Valerie J. Senatore